

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Robert Breest

v.

Civil No. 09-cv-177-JL

NH Department of Corrections, Commissioner et al

ORDER

This matter was initiated by complaint filed on May 22, 2009. Consistent with court practice, upon the granting of the Plaintiff's in forma pauperis motion, this matter was immediately assigned to the undersigned judge on June 1, 2009.

Pursuant to LR 73.1 and 28 U.S.C. § 636(c), the clerk's office subsequently informed the parties that they could consent to have this case reassigned to Magistrate Judge James R.

Muirhead. The local rule provides as follows:

Parties may consent to the reassignment of a case to a magistrate judge by filing a Notice, Consent, and Order of Reference form stating that the parties consent to the reassignment. This form should not be returned to the clerk of court unless all parties consent to the reassignment.

LR 73.1(b)(1). The parties apparently misunderstood the clerk's notice, with one party filing an objection to the assignment of the Magistrate Judge and the other filing an acceptance of such an assignment.

As the parties have not jointly consented to the reassignment of the case to the Magistrate Judge, the undersigned shall continue to preside over this case. Because objections to the assignment of a case to the Magistrate Judge shall remain confidential, Fed. R. Civ. P. 73(b)(1), and because the Magistrate Judge may decide various pretrial matters referred to him in this case, the objection and acceptance filed by the parties shall remain sealed and available for review only by the Clerk of Court.

SO ORDERED.

A handwritten signature in black ink, reading "Joe Laplante". The signature is written in a cursive, flowing style.

September 23, 2009

Joseph N. Laplante
United States District Judge

cc: Robert Breest, Pro se
Karen A. Schlitzer, Esq.